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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,569

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Shuntaro Aratani

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EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2614

7
DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,569

Applicant(s)

ARATANI ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. Figure 25 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1,5-6,11, 26,27,30,31,36,38 and 40 are rejected under 35

U.S.C. 102(e) as being anticipated by Nishio et al., US 6,577,347.

In considering claim 1, 5-6, 11, 26, 27, 30, 31, 36, 38 and 40

*a) the claimed receiver means...*is met by stream analyzing means 200 along with MPEG-2 video still picture decoder 400 and MPEG-2 video decoder 201.

*b) the claimed output means for outputting the broadcast data signal...*is met by signal synthesizing means which outputs the received broadcast data including additional information (channel number, still picture information) (col 10, line 51 to col 11, line 61).

c) the claimed communication means for communicating with an external device is met by switch 107, which is activated via signal 13 which is a request from a user to reproduce the, and the image signal recorded in HDD 108 is transmitted to frame memory 104 (col 11, line 54-61). Nishio also discloses that the data may be recorded or printed (i.e the use of a printer).

*d) the claimed control means for controlling the image to be displayed...*is met where the synthesizing means 105, combines both the additional data received and recorded in HDD 108 with video signal 14 that is currently being received, where the synthesized signal is output as a monitor signal 17 (Fig 7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4a. Claims 2-4, 7, 14-16, 19-20, 24, 28-29 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio et al., US 6,577,347 and applicant's admitted prior art (AAPA).

In considering claims 2-4, and 7, 14, 15, 19, 20, 24, 28-29 and 32

Nishio does not explicitly recite the broadcast data signals including display control data which are used to modify the image displayed nor a markup language. Nishio does disclose that channel numbers/still picture information (script information) is displayed based upon selection/activation of reproduction from the user.

However, the reception of broadcast signals which include script information, text information described in XML and picture information is well known in the art, when receiving a digital broadcast signal as described by applicant's own background (page 4, para 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/utilize in Nishio which discloses the reception of both analog/digital signals, to utilize the control information which is transmitted with digital signal in order to control the display in accordance with the predetermined parameters.

In considering claim 16,

Refer to rejection of claim 9.

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4b. Claims 8-10, 12-13, 16, 17, 18, 21, 22, 23, 25, 33-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio et al., US 6,577,347.

In considering claim 8, 17, 25

Nishio does not explicitly recite the use of a IEEE-1394 standard.

Nishio describes a receiver which receives both analog and digital signals, in which the receiver communicates to a hard-disk drive and monitor.

The IEEE-1394 is a standard protocol which allows devices to be connected via a high performance serial bus, which provides a low-cost interconnect between devices (via IEEE Std 1394-1995).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio which discloses communication between devices, by using a standard such as the IEEE-1394 in order to provide a communication means which provides high performance at a low cost.

In considering claims 9-10, 13, 18, 21, 22, 23, 34-35 and 39

a) the claimed receiver means... is met by stream analyzing means 200 along with MPEG-2 video still picture decoder 400 and MPEG-2 video decoder 201.

b) the claimed display means for outputting the broadcast data signal... is met by signal synthesizing means which outputs the received broadcast data including additional information (channel number, still picture information) (col 10, line 51 to col 11, line 61).

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c) the claimed print data output means... Nishio discloses that the data may be displayed, printed or recorded (col 12, line 50-53, col 13, line 45-56).

However, Nishio does not explicitly recite the status monitoring of the printing device. Nishio does disclose a system which based upon the user requesting the reproduction of a program, which activates switch 107 subsequently triggers the display to synthesize the displayed image.

The monitoring of a device, i.e. plug-in-play or a system which monitors which devices are activated/non-activated for use is notoriously well known in the art. Typically systems include monitoring system to inform the user via the display which devices are available for selection, or informing the user of devices which may require attention (i.e. printer off-line, out of paper).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio which discloses the reception of both analog and digital signals, where the user may select the image to be displayed, recorded and printed, by monitoring the status of the device (i.e. HDD, printer) in order to inform the user if the device is available or not, and if not available informing the user of any problems (i.e. printer off-line).

In considering claims 12, 37

Nishio discloses that the data may be displayed, printed or recorded (col 12, line 50-53, col 13, line 45-56).

In considering claim 33,

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Nishio does not explicitly recite the use of a IEEE-1394 standard.

Nishio describes a receiver which receives both analog and digital signals, in which the receiver communicates to a hard-disk drive and monitor.

The IEEE-1394 is a standard protocol which allows devices to be connected via a high performance serial bus, which provides a low-cost interconnect between devices (via IEEE Std 1394-1995).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio which discloses communication between devices, by using a standard such as the IEEE-1394 in order to provide a communication means which provides high performance at a low cost.

4b. Claims 1,6,18,26,31,36,38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Bullock et al., US 5,070,404.

In considering claims 1, 6, 18, 26, 31, 36, 38 and 40

a) the claimed receiver means...is met by receiver 42, demod 46 and ID decoder 48 (Fig 4).

b) the claimed output means for outputting the broadcast data signals...is met by processor 50 which outputs the received broadcast data to display 54 (Fig 4).

c) the claimed communication means for communicating with an external device...is met where the processor 50 communicates memory 52 (RAM/ROM) where processor 50 determines whether data (coupon) has been stored in memory 52 with respect to the particular commercial being broadcast.

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Processor 50 determines data stored in memory 52 includes data relating to the broadcast commercial, then processor 50 sends a signal to display device 54 to indicate to the user that coupon data for the commercial has been received/stored and is available for printing. Bullock indicates to the viewer via light's or LED's on the display that coupon data is available for the particular commercial.

However, Bullock does not explicitly recite controlling the image in accordance with the results of the communication.

Although, as stated above, Bullock does inform the user via a display indication that the result of the communication between the processor and memory is either available (light flashing) or not available (no light flashing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bullock which discloses the reception of broadcast data and checking whether related data (coupons) are available for a received commercial and then notifying the user so the user may print the coupon if desired, by displaying an indication other than a light (i.e. menu, information screen) in addition to the received broadcast, thereby controlling/adjusting the received picture via overlay/PIP/synthesizing means when additional information is available.

Conclusion

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

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General information brochures can also be obtained in person from the Patent Search Room located in Crystal Plaza 3, Room 1A03, 2021 South Clark Place, Arlington, VA 22202.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS).

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PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



BRIAN P. YENKE
Primary Examiner
Art Unit 2614



B.P.Y.
25 July 2004